

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA DIVISION**

JEFF BANKER and SAMMYE BANKER,

Plaintiffs,

v.

FIFTY PLUS RACING  
FOUNDATION, INC., OLTHOFF  
RACING, INC., DENNIS OLTHOFF,  
JOHN DOE and JOHN DOE  
CORPORATION

Defendants.

Civil Action File No.  
1:20-CV-00228-DCLC-CHS

**STIPULATION OF DISMISSAL**

COME NOW Plaintiffs Jeff Banker and Sammye Banker and Defendants Fifty Plus Racing Foundation, Inc., Olthoff Racing, Inc. and Dennis Olthoff and pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, by and through their undersigned counsel of record, hereby stipulate and agree to the dismissal with prejudice of the above-captioned action. Except as otherwise agreed between the parties, each party shall bear its own attorneys' fees and costs.

Respectfully submitted this 29<sup>th</sup> day of April, 2021.

*Signatures on following page*

<p><b>FRIED GOLDBERG LLC</b></p> <p><i>/s/ Michael L. Goldberg</i>  <b>MICHAEL L. GOLDBERG</b>  Tennessee BPR No.: 035863  3550 Lenox Road N.E.  Suite 1500  Atlanta, GA 30326  404-591-1800  <a href="mailto:michael@friedgoldberg.com">michael@friedgoldberg.com</a></p> <p><i>Counsel for Plaintiffs</i></p>	<p><b>BAKER, DONELSON, BEARMAN, CALDWELL &amp; BERKOWITZ, PC</b></p> <p><i>/s/ Joshua A. Powers</i>  <b>JOSHUA A. POWERS</b>  Tennessee BPR No.: 035863  633 Chestnut Street  Suite 1900  Chattanooga, TN 37450  423-756-2010  <a href="mailto:jpowers@bakerdonelson.com">jpowers@bakerdonelson.com</a></p> <p><i>Counsel for Defendant Fifty Plus Racing Foundation, Inc.</i></p> <p><b>PATTY &amp; YOUNG, ATTORNEYS AT LAW, LLC</b></p> <p><i>/s/ Christopher M. Harris</i>  <b>CHRISTOPHER M. HARRIS</b>  Tennessee BPR No.: 032952  7731 Nashville Street  Ringgold, GA 30736  706-935-9100  <a href="mailto:chrisharris@pattylaw.com">chrisharris@pattylaw.com</a></p> <p><i>Counsel for Defendants Dennis Olthoff and Olthoff Racing, Inc.</i></p>
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**CERTIFICATE OF SERVICE**

This is to certify that I have this day served counsel for Plaintiff with a copy of the within and foregoing STIPULATION OF DISMISSAL by filing same electronically with the Court through the CM/ECF system, which will automatically send email notification of this filing to the following counsel of record:

Joshua A. Powers  
Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.  
633 Chestnut Street  
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Christopher M. Harris  
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Ringgold, GA 30736

Dated on April 29, 2021.

**FRIED GOLDBERG LLC**

/s/ Michael L. Goldberg  
**MICHAEL L. GOLDBERG**  
Tennessee BPR No.: 035863